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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,285	09/28/2005	Yang Peng	NL 020796	7817

24737 7590 03/31/2009
PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

ATALA, JAMIE JO

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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03/31/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/525,285	Applicant(s) PENG ET AL.	
	Examiner JAMIE JO VENT ATALA	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-7 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows. Claim(s) 1-7 define a “data carrier” with descriptive material. While “functional descriptive material” may be claimed as a statutory product (i.e., a “manufacture”) when embodied on a tangible computer readable medium, a “data carrier” embodying that same functional descriptive material is neither a process nor a product (i.e., a tangible “thing”) and therefore does not fall within one of the four statutory classes of § 101. Rather, “signal” is a form of energy, in the absence of any physical structure or tangible material.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being unpatentable by Graunke et al (US 5,991,399).

[claim 1]

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In regard to Claim 1, Graunke et al discloses a communication method via a network between a recording and/or reproducing device able to read a data carrier, and a first remote unit comprising additional data for the data carrier (Figure 2), said method comprising the steps of:

- detecting the presence of the data carrier in the recording and/or reproducing device and authenticating said data carrier, said steps being performed by a trusted recording and/or reproducing device (Figure 2 shows the detecting the presence of the data carrier as further described in Column 6 Lines 18-67);
- authenticating a trusted recording and/or reproducing device, said step being performed by a second remote unit and being able to make the trusted recording and/or reproducing device access the additional data (Column 8 Lines 33-60 describes authenticating the reproducing device for accessing the additional information).

[claim 2]

In regard to Claim 2, Graunke et al discloses a communication system comprising a recording and/or reproducing device able to read a data carrier, a first remote unit comprising additional data for the data carrier, and a second remote unit able to authenticate a trusted recording and/or reproducing device and to make the trusted recording and/or reproducing device access the additional data, a trusted recording and/or reproducing device being able to detect the presence of the data carrier in the recording and/or reproducing device and to authenticate said data carrier, said device

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and units communicating via a network (Figure 2 shows the reproducing of the data as described in Column 6 Lines 18-67. Furthermore, the authenticating the data as described in Column 8 Lines 33-60 determines the device can be trusted).

[claim 3]

In regard to Claim 3, Graunke et al discloses a communication system which comprises a third remote unit and wherein the second remote unit is managed by a manufacturer of recording and/or reproducing devices said third remote unit communicating directly with second remote units and with first remote units via the network (Figure 2 shows the system as further described in Column 6 Lines 18-67 through Column 7 Lines 1-57).

[claim 4]

In regard to Claim 4, Graunke et al discloses communication system wherein the second remote unit is adapted to communicate directly with recording and/or reproducing devices and with first remote units via the network (Figure 2).

[claim 5]

In regard to Claim 5, Graunke et al discloses a communication system wherein the second remote unit and the first remote unit are the same entity (Figure 2).

[claim 6]

In regard to Claim 6, Graunke et al discloses a remote unit for communicating with a recording and/or reproducing device able to read a data carrier (Figure 2), the remote unit comprising:

- means for authenticating a trusted recording and/or reproducing device, a trusted recording and/or reproducing device being able to detect the presence of the

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data carrier in the recording and/or reproducing device and to authenticate said data carrier (Column 8 Lines 33-60 describes the authenticating of devices), and

- means for enabling the trusted recording and/or reproducing device to access additional data corresponding to the data carrier (Column 8 Lines 61-67 and Column 9 Lines 1-16 describes enabling the system).

[claim 7]

In regard to Claim 7, Graunke et al discloses a recording and/or reproducing device able to read a data carrier, to communicate with a first remote unit comprising additional data for the data carrier, and to communicate with a second remote unit able to authenticate the recording and/or reproducing device, said device comprising means for detecting the presence of the data carrier in the recording and/or reproducing device and means for authenticating said data carrier (Figure 2 shows the system as described in Column 6 Lines 18-67 and described in Column 8 Lines 33-60).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Yurt et al (US 5,550,863).

Contact Information

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMIE JO VENT ATALA whose telephone number is (571)272-7384. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JAMIE JO VENT ATALA/
Examiner, Art Unit 2621